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July 22, 2004

Via Hand Delivery

Lawrence H. Norton, Esq.
General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463
Attn: Ms. Kim C. Stevenson

RE: MUR 5467 – Michael Moore

Dear Mr. Norton:

We are counsel for Michael Moore and are submitting this letter on his behalf in response to a complaint filed by Citizens United with the Federal Election Commission ("FEC" or "Commission") regarding the advertisement of the film, *Fahrenheit 9/11* (the "Film"). The complaint alleges that Mr. Moore and various distributors of the Film are about to violate the Federal Election Campaign Act of 1971's, as amended, ("FECA's") prohibition on electioneering communication by airing television and radio advertisements promoting the Film and mentioning President Bush within thirty (30) days prior to the Republican National Convention or sixty (60) prior to the general election.

FECA prohibits a corporation or foreign national from making expenditures for an electioneering communication. 2 U.S.C. §§ 441b(b)(2), 441e(a)(1)(C). Moreover, any person making expenditures for an electioneering communication is required to file reports with the Commission. *Id.*, § 434(f). The term "electioneering communication" is defined as any broadcast, cable, or satellite communication which (i) clearly identifies a federal candidate; (ii) is aired either thirty (30) days before a primary election or sixty (60) days before a general election; and (iii) can reach 50,000 or more of the relevant electorate. *Id.*

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Mr. Moore, however, has not, and will not, make any expenditures on the advertisements at issue in the complaint. Thus, FECA's restrictions and requirements would not apply to Mr. Moore even if the advertisements were to qualify as electioneering communications.

Based on the above, we request that the Commission take no further action against Mr. Moore on this matter.

Respectfully submitted,



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